

**United States District Court
for the Southern District of Georgia
Brunswick Division**

FILED
U.S. DISTRICT COURT
BRUNSWICK DIV.

2006 NOV -6 P 4:59

CLERK 
SO. DIST. OF GA.

JENNIE ELLIOTT,

Plaintiff,

vs.

FLYING J., INC.,

Defendant.

CIVIL ACTION NO.: CV205-022

ORDER

Plaintiff has filed a Motion to Appeal the Decision of the Magistrate Judge. In her Motion, Plaintiff seeks to have the undersigned overrule the Magistrate Judge's Order dated October 17, 2006. In that Order, the Magistrate Judge granted Defendant's Motion in Limine to prevent Plaintiff from introducing evidence pertaining to the docking of Plaintiff's pay. Plaintiff contends that she does not believe that the undersigned's Order dated May 5, 2006, that Defendant had not lost the right to claim that she was an "exempt executive employee" can "logically be extended to hold that the fact that the Defendant refused to pay. . . her full salary on three occasions is inadmissible evidence." (Mot., pp. 1-2.)

The undersigned concluded that the three deductions Defendant made to Plaintiff's pay were permissible (Doc. No. 26, pp. 7-8), and any probative value of

this evidence is greatly outweighed by its potential to confuse or mislead the jury. Plaintiff's Motion to Appeal the Decision of the Magistrate Judge is **DENIED**. The Magistrate Judge's decision is neither clearly erroneous nor contrary to law.

SO ORDERED, this 6th day of November, 2006.



JUDGE, UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA